

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>Root, Inc., et al.,</b>	:	
	:	<b>Case No. 2:23-cv-512</b>
	:	
<b>Plaintiffs,</b>	:	<b>Judge Sarah D. Morrison</b>
	:	
<b>v.</b>	:	<b>Magistrate Judge Chelsey M. Vascura</b>
	:	
<b>Silver, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**UNOPPOSED MOTION TO FILE UNDER SEAL**

Pursuant to Local Rule 5.2.1 and Paragraph 8 of the Stipulated Protective Order (ECF No. 69), Plaintiffs Root, Inc., Caret Holdings, Inc., and Root Insurance Agency, LLC (collectively, “Plaintiffs” or “Root”) move to file under seal Exhibits A, B, and C attached to their forthcoming Motion for Contempt. Exhibits A, B, and C (the “Exhibits”), are bank account statements of Defendants Brinson Caleb “BC” Silver (“Silver”) and Eclipse Home Design, LLC (“Eclipse”) (collectively, “Defendants”). The Exhibits show that Defendants have violated and are likely continuing to violate this Court’s Preliminary Injunction (ECF No. 42). Because the Exhibits contain the Defendants’ bank account numbers, credit card information, and personal contact information, Root seeks leave to file them under seal.

Respectfully submitted,

/s/ William D. Kloss, Jr.

William D. Kloss, Jr. (0040854), Trial Attorney  
Elizabeth S. Alexander (0096401)  
Grace E. Saalman (0101603)  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street, P.O. Box 1008  
Columbus, Ohio 43216-1008  
Phone (614) 464-6360  
Fax (614) 719-4807  
wdklossjr@vorys.com  
esalexander@vorys.com  
gesaalman@vorys.com

Matthew L. Kutcher (IL Bar No. 6275320)  
Cooley LLP *Admitted Pro Hac Vice*  
110 N. Wacker Drive Suite 4200  
Chicago, IL 60606  
Phone (312) 881-6500  
Fax (312) 881 6598  
mkutcher@cooley.com

Kristine A. Forderer (CA Bar No. 278754)  
Cooley LLP *Admitted Pro Hac Vice*  
3 Embarcadero Center  
San Francisco, CA 94111  
Phone (415) 693-2128  
kforderer@cooley.com

*Counsel for Plaintiffs*

## MEMORANDUM IN SUPPORT

### I. INTRODUCTION

Root will file a Motion for Contempt against Silver and Eclipse for violating the Court's February 27, 2023 Preliminary Injunction. As detailed in the forthcoming motion, Silver and Eclipse have spent or transferred hundreds of thousands of dollars in violation of the Preliminary Injunction. To prove Defendants' violations, Root will attach three Exhibits to its Motion for Contempt: (1) **Exhibit A** is Silver's Bank of America account statements from February and March 2023 with the last four digits 6351; (2) **Exhibit B** is Silver's second Bank of America account statements from February and March 2023 with the last four digits 3853; (3) **Exhibit C** is Eclipse's Bank of America account statements from February and March 2023 with the last four digits 3297. As required in the Stipulated Protective Order, Root seeks leave to file these bank account statements under seal.

### II. LAW AND ANALYSIS

A party moving to file documents under seal must show a compelling reason for sealing the documents and the seal must be narrowly tailored. *Shane Group, Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299, 305 (6th Cir. 2016) (noting that the strong presumption of openness of court records can be overcome when a movant provides reasons as to why the specific documents should not be disclosed to the public).

There are compelling reasons to file Defendants' bank statements under seal. First, giving the public access to the Exhibits gives the public access to Defendants' full bank account numbers, Defendants' bank account balances, and bank account and wiring information of other individuals and companies with whom Defendants had transactions. Second, it is not practical to redact the statements instead of sealing them because almost all of the pages and content of the Exhibits are

sensitive information so that any minimal sections or sentences that are not redacted would contain no useful information for the public. Third, Root's Motion in Contempt, which is not filed under seal, summarizes the Exhibits and details the important transactions. That is all the information the public should know about the Exhibits because the public has no justifiable interest in access the specific account numbers.

### **III. CONCLUSION**

For the foregoing reasons, Root requests leave to file Exhibits A, B, and C to the Motion for Contempt under seal.

Respectfully submitted,

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William D. Kloss, Jr. (0040854), Trial Attorney  
Elizabeth S. Alexander (0096401)  
Grace E. Saalman (0101603)  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street, P.O. Box 1008  
Columbus, Ohio 43216-1008  
Phone (614) 464-6360  
Fax (614) 719-4807  
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Cooley LLP *Admitted Pro Hac Vice*  
110 N. Wacker Drive Suite 4200  
Chicago, IL 60606  
Phone (312) 881-6500  
Fax (312) 881 6598  
mkutcher@cooley.com

Kristine A. Forderer (CA Bar No. 278754)  
Cooley LLP *Admitted Pro Hac Vice*  
3 Embarcadero Center  
San Francisco, CA 94111  
Phone (415) 693-2128  
kforderer@cooley.com

*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was filed electronically on this 1st day of May 2023 with the Clerk of Court using the CM/ECF system. Service will be made through the Court's CM/ECF system on all parties and attorneys so registered, and all parties may access this filing through the Court's system.

A copy was also sent by regular U.S.P.S. mail and email to the following:

Paige McDaniel  
5576 Alexanders Lake Road  
Stockbridge, GA 30281

/s/ William D. Kloss, Jr.  
William D. Kloss, Jr. (0040854)

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**Root, Inc., *et al.*,**

**Plaintiffs,**

**V.**

**Silver, *et al.*,**

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**Case No. 2:23-cv-512**

**Judge Sarah D. Morrison**

**Magistrate Judge Chelsey M. Vascura**

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION TO FILE UNDER SEAL**

This matter is before the Court on the Motion to File Under Seal filed by Plaintiffs Root, Inc., Caret Holdings, Inc., and Root Insurance Agency, LLC (collectively, "Root"). (ECF No. \_\_\_\_.) For good cause shown, Root's Motion to File Under Seal is **GRANTED**. Root may file Exhibits A, B, and C to its Motion for Contempt under seal.

**IT IS SO ORDERED.**

Date:

\_\_\_\_\_  
**CHELSEA M. VASCURA  
UNITED STATES MAGISTRATE JUDGE**